

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

November 16, 1999

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James F. Thaxter, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Deputy Clerk.

**F031259      Olivewood Plaza, Inc. v. Taco Time International, Inc.; KFF Management, Inc.**

Cause called and argued by Craig L. Scott, Esq., counsel for appellant Taco Time International, Inc.; Jennifer S. Yount, Esq., counsel for appellant KFF Management, Inc., and by Trevor C. Clegg, Esq., counsel for respondent Olivewood Plaza, Inc.

Cause ordered submitted.

Court recessed until Tuesday, November 16, 1999 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James F. Thaxter, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Nick A. Grigsby, Deputy Clerk.

**F029692      In re the Marriage of Joan and Garrit Teunissen**

Cause called and argued by James F. Tritt, Esq., counsel for appellant and by Michael A. Goss, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, November 17, 1999 at 10:00 A.M.

**F034271      In re the Marriage of Gue Judy Saykao and Tue Fue Yang**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 10(c), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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**F030906      Bill & Garry's Used Cars, Inc. v. Department of Motor Vehicles**

The judgment is affirmed. Vartabedian, J.

We concur: Dibiaso, Acting P.J.; William Silveira, Pro Tem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030518      People v. Rubio**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F029450      People v. Nichols**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032220      People v. Hernandez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033228      In re Andy S., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032068      People v. Davis**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F031310      People v. Sutton**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032630      In re Anthony D., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030610      Thomas II v. Maddock et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F031118      Ciano v. Lombardi et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F028473      People v. Mancebo**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F031037      Harvey v. Hoopingarner**

The appeal is dismissed. Silveria, Pro Tem J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

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**F031800      People v. Kelley**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033926      Tabitha J. v. Superior Court, Stanislaus Co.; Stanislaus Co. Dept. of Social Services**

The petition for extraordinary writ is Denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F028775      People v. Flores**

The judgment is affirmed. Ardaiz, P.J.

We concur: Buckley, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029568      People v. Tindall**

The judgment is affirmed. Ardaiz, P.J.

We concur: Buckley, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032891      In re Jacob K., et al., Minors; Kern County Department of Human Services v. Carrie H.**

The trial court's order for visitation is vacated. The case is remanded to the superior court to fashion a visitation order consistent with this opinion. Silveira, Pro Tem J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

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**F031252      Eden Produce Company, Inc. v. Brandt Farms, Inc.**

Pursuant to written stipulation of the parties hereto, IT IS  
HEREBY ORDERED that the appeal in the above-entitled action is  
dismissed.

**F033271      In re Desirae R., a Minor; Kern County Department of Human Services v.  
Graciela G.**

The orders denying appellant's section 388 petition and terminating  
appellant's parental rights are affirmed. Silveira, Pro Tem J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031420      People v. Warren**

Counsel having failed to request oral argument in the above-entitled  
case, oral argument is deemed waived in accordance with the  
provisions of a notice heretofore mailed to counsel and the cause is  
submitted.

**F030567      People v. Urive**

Oral argument having been waived in the above-entitled case in  
accordance with the provisions of a notice mailed to counsel, the  
calendar date heretofore set is vacated and the case is submitted for  
decision.

**F033854      People v. Rabe**

No brief having been filed by appellant after notice duly given under  
rule 17(c) of the California Rules of Court, IT IS HEREBY  
ORDERED that the appeal in the above-entitled action is dismissed.